

Maurita Johnson, Deputy Director

Authorized Signature**Number:** CW-PT-12-005**Issue Date:** 11/15/2012**Topic:** Foster Care**Transmitting (check the box that best applies):**

- ☐ New policy ☐ Policy change ☐ Policy clarification ☐ Executive letter
☐ Administrative Rule ☐ Manual update ☒ Other: Proposed Rule Changes

Applies to (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County DD Program Managers |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Other (please specify): |

Policy/rule title:

I-B.1, Monthly Contact and Monitoring Child and Young Adult Safety
I-B.1.6, CANS Screening and Enhanced Supervision
I-B.2.3.1, Family Support Services
I-B.2.3.5, Youth Transitions
I-B.3.1, Developing and Managing the Case Plan
I-B.3.4.2, Interstate Compact on the Placement of Children
I-E.3.1, Placement Matching
I-E.3.6.3, Another Planned Permanent Living Arrangement
I-G.1.10, Supervision and Support of an Adoptive Placement

Policy/rule number(s):	413-080-0040 through 0067 413-020-0200 through 0255 413-030-0000 through 0030 413-030-0400 through 0460 413-040-0000 through 0032 413-040-0200 through 0330 413-070-0600 through 0645 413-070-0520 through 0565 413-120-0800 through 0880	Release no:	
Effective date:	Proposed Rules	Expiration:	
References:			
Web Address:	http://www.dhs.state.or.us/policy/childwelfare/drafts/drafts.htm		

Discussion/interpretation:

These rules have been filed with the Secretary of State as proposed rule changes to align with the child face-to-face contact requirements required under federal law.

These rules also are being revised to fully incorporate the provisions of P.L. 110-351, Fostering Connections to Success and Increasing Adoptions Act of 2008 and P.L. 106-169, Foster Care Independence Act of 1999 to provide certain children in substitute care information about their credit report annually, information regarding designating another individual to make health care treatment decisions if he or she is unable to participate in those decisions, and to require Department participation in the National Youth in Transition Database.

OAR 413-020-0236 about development, documentation, and termination of a supervision plan is being amended to clarify and correct the administrative rule reference to required contact with a child.

OAR 413-020-0245 about responsibilities in monitoring a child or young adult's supervision in a certified family is being amended to clarify and correct the administrative rule reference to required contact with a child.

OAR 413-030-0000 about the purpose of rules about family support services is being amended to clarify the rule and indicate when terms are defined.

OAR 413-030-0003 about the definitions of terms used in family support services rules is being amended to clarify the terms used in rules about family support services and to reflect current Department terminology.

OAR 413-030-0006 about eligibility for family support services is being amended to clarify who is eligible for family support services under these rules.

OAR 413-030-0009 about determination of service needs is being amended to clarify cross-references and use current Department terminology.

OAR 413-030-0013 about requirements when obtaining medical, psychological, or psychiatric evaluations; OAR 413-030-0016 about requirements for the family support services case plan; OAR 413-030-0019 about developing service agreements; OAR 413-030-0026 about family support services case plan review; and OAR 413-030-0030 about closing a family support services case plan are being amended to clarify cross-references and use current Department terminology.

OAR 413-030-0023 about contact and monitoring requirements for a family support services case plan is being amended to specify when monthly fact-to-face contacts are required, clarify cross-references, and use current Department terminology.

OAR 413-030-0405 defining terms used in rules about youth transitions is being amended to clarify the terms used in these rules and to reflect current Department terminology.

OAR 413-030-0410 about eligibility for youth transition services is being amended to describe the circumstances when an exception to eligibility requirements may be approved.

OAR 413-030-0445 about development of the comprehensive transition plan and OAR 413-030-0454 about benchmark review of the comprehensive transition plan are being amended to use of current Department terminology about legal guardians and guardians.

OAR 413-030-0449 about review of the comprehensive transition plan is being amended correct the administrative rule reference to required contact with a child.

OAR 413-030-0456 about health care notifications, credit reports, and data tracking is being adopted to describe the Department responsibilities for notification of health care proxy to youth over 17 years, for ensuring an annual consumer credit report is reviewed with any youth in care over age 16, and to describe the requirements for collection and reporting of data for the National Youth in Transition Database.

OAR 413-040-0005 about definitions used in rules about developing and managing the case plan is being amended to clarify the terms used in these rules and to reflect current Department terminology.

OAR 413-040-0006 about requirements for the protective capacity assessment is being amended to clarify the caseworker responsibility to identify and review the

conditions for return.

OAR 413-040-0009 about requirements for conditions for return is being amended to clarify requirements for the determination and documentation of conditions for return and the ongoing safety plan.

OAR 413-040-0008 about requirements for a family decision-making meeting, OAR 413-040-0010 about requirements for the case plan, and OAR 413-040-0011 about requirements of action agreements are being amended to use current Department terminology.

OAR 413-040-0013 about requirements for monitoring the case plan is being amended to clarify reasonable efforts requirements and to correct administrative rule reference to required contact with a child.

OAR 413-040-0016 about requirements for review of the case plan, OAR 413-040-0017 about requirements for return and reunification, OAR 413-040-0024 about requirements for an in-home ongoing safety plan prior to return and next day contact, and OAR 413-040-0032 about requirements for closing the in-home ongoing safety plan and closing the case are being amended to use current Department terminology.

OAR 413-040-0210 defining terms used in rules about the Interstate Compact on the Placement of Children is being amended to clarify the terms used in these rules and to reflect current Department terminology.

OAR 413-040-0215 about required forms is being amended to update the list of forms used in the rules.

OAR 413-040-0240 about the financial and medical responsibility of the sending agency is being amended to clarify and correct cross references.

OAR 413-040-0270 about preparing the referral to send a child out of Oregon is being amended to correct a reference to a Department form, specify Department staff who may approve out-of-state residential placement, and clarify cross-references to defined terms.

OAR 413-040-0290 about requests for placement in Oregon is being amended to use current Department terminology, correct and clarify cross-references, and correct the administrative rule reference to required contact with a child.

OAR 413-040-0300 about requests that by-pass the Oregon ICPC Office is being amended to use current Department terminology and clarify cross-references.

OAR 413-070-0524 about definitions of terms used in rules about another planned permanent living arrangement is being amended to clarify the terms used in these

rules and to reflect current Department terminology.

OAR 413-070-0536 about consideration of APPLA as a permanency plan is being amended to use current terminology and correct cross-references.

OAR 413-070-0551 about contents of an APPLA case plan and OAR 413-070-0556 about APPLA permanency plan reviews are being amended to use current Department terminology.

OAR 413-070-0552 about ongoing Department responsibilities when APPLA is the child's or young adult's permanency plan is being amended to correct the administrative rule reference to required contact with a child and to correct cross-references to other child welfare rules.

OAR 413-070-0565 about termination of APPLA is being amended to correct cross-references.

OAR 413-070-0620 which defines certain terms used in rules about placement matching is being amended to clarify the terms used in these rules and to reflect current Department terminology.

OAR 413-070-0625 about identifying and assessing the needs of the child or young adult when placement in substitute care is required is being amended to use current Department terminology and to correct the required contact with a child.

OAR 413-070-0630 about monitoring the ongoing substitute care placement needs of the child or young adult is being amended to remove administrative rule references that no longer apply.

OAR 413-070-0640 about placement assessment and matching is being amended to use current Department terminology.

OAR 413-080-0040 about monthly contact and monitoring child and young adult safety is being amended to fit the purposes of rules OAR 413-080-0040 to 413-080-0067 consistent with amendments to them.

OAR 413-080-0050 about definitions used in rules about monthly contact and monitoring child and young adult safety is being amended to clarify the terms used in these rules and reflect current Department terminology.

OAR 413-080-0052 about mandatory reporting of a new safety threat on an open case is being amended to clarify the actions Department staff must take when a new or unscreened safety threat is identified in an open case.

OAR 413-080-0054 about monthly face-to-face contact requirements is being adopted

to describe the monthly contacts required of Department staff.

OAR 413-080-0055 about monitoring an in-home ongoing safety plan is being amended to clarify the requirements of the Department in monitoring child safety when there is an in-home ongoing safety plan.

OAR 413-080-0059 about monitoring an out-of-home ongoing safety plan is being amended to clarify the requirements of the Department in monitoring child safety when there is an out-of-home ongoing safety plan.

OAR 413-080-0063 about additional documentation required when a child or young adult is placed in Oregon through the Interstate Compact for the Placement of Children is being repealed because these topics are covered in other rules and procedures.

OAR 413-080-0067 about contact requirements and exceptions is being amended to remove exceptions to required child contact not allowed under federal law.

OAR 413-120-0860 about placement and post-placement supervision is being amended to clarify the requirements of the monthly contact required of Department staff and to correct the administrative rule reference.

In addition, the above rules may also be changed to reflect new Department terminology and to correct formatting and punctuation.

Implementation/transition instructions: Staff should read and review the proposed changes. If there are comments, staff should route those comments through their Policy Council representative.

Training/communication plan: As these rules become effective, the Department will establish training and further communication on these rule changes.

Local/branch action required:

Read and review the proposed changes to these administrative rules.

Central office action required:

Receive feedback on proposed rule changes, attend the public hearing, and plan for training upon effective date of these rules.

Field/stakeholder review: ☒ Yes ☐ No

If yes, reviewed by:

Child Welfare Advisory Committee, September 12, 2012

Child Welfare Policy Council, October 26, 2012

Filing Instructions:

If you have any questions about this policy, contact:

Contact(s):	Contact: Aj Goins is the contact for I-B.1, I-B.1.6, I-B.2.3.1, I-B.2.3.5, I-B.3.1, I-E.3.1 and I-E.3.6.3 Contact: Harry Gilmore is the contact for I-B.3.4.2 Contact: Kathy Prouty, Carla Crane, and Gail Schelle are the contacts for I-G.1.10		
Phone:	Aj GOins 503-945-6897 Harry Gilmore 503-945-6685 Kathy Prouty 503-947-5358 Carla Crane 503-945-5998 Gail Schelle 503-945-5997	Fax:	503-945-6969
E-mail:	a.j.goins@state.or.us harry.gilmore@state.or.us Kathy.prouty@state.or.us Carla.crane@state.or.us gail.a.schelle@tate.or.us		